

REMARKS

Claims 1-8 and 17-20 are now pending in the application. Claims 21-25 have previously been withdrawn and claims 9-16 have been canceled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein. No new matter has been added.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-8 and 17-20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, claims 1 and 17 claim a “deformable” interference point. The Office Action stated that there appears to be no such disclosure in the specification and all that is disclosed is an interference point.

Applicants have amended claims 1 and 17 and claims depending therefrom to remove the term “deformable.”

In view of the above remarks, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 1-8 and 17-20.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-8, 17, 19 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Paul (U.S. Pat. No. 7,255,699). This rejection is respectfully traversed.

Applicants note that claims 1 and 17, as amended, include, in relevant part, the following recitation: “wherein the interference point includes a plurality of relief areas and a plurality of engagement areas.”

Paul fails to teach, disclose or suggest claims 1 and 17, since Paul does not have an interference point wherein the interference point includes a plurality of relief areas and a plurality of engagement areas. In the Office Action, Paul was suggested as having a deformable interference point as shown in FIG. 5A. As best seen in FIGS. 4 and 5A, this deformable interference point has no relief portions.

In view of the above remarks, Applicants respectfully request the Examiner to reconsider and withdraw the rejections of claims 1 and 17. Since claims 2-8 depend from claim 1 and claims 19 and 20 depend from claim 17, for the same reasons applicable to claims 1 and 17, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 2-8, 19 and 20.

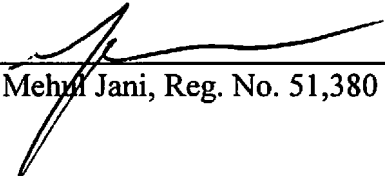
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned attorney at (610) 930-1800 x1174.

No additional fees are believed due for this submission, however, if any additional fees are required; please charge such fees to Globus Medical Deposit Account No. 50-4131.

Respectfully submitted,

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By: 
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